

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:

Christopher Cressy, et al.

Serial No.: 09/667,625

Group Art Unit: 2621

Filed: September 22, 2000

Examiner: David J. Czekaj

For: VISUAL SECURITY OPERATIONS SYSTEM

Attorney Docket No: 7784-001023/US (02-0741)

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

BRIEF ON APPEAL

Sir:

The following Appeal Brief is submitted in response to the Notice of Appeal filed August 31, 2007.

I. Real Party in Interest

The real party in interest in this matter is The Boeing Company in Chicago, Illinois (hereinafter “Boeing”).

II. Related Appeals and Interferences

There are no other known appeals or interferences which will directly affect or be directly affected by or have bearing on the Board’s decision in the pending appeal.

III. Status of the Claims

Claims 16-19, 21-43 and 71 are pending in the application and are appealed herein. Claim 1-15, 20, 44-70 and 72-99 have been cancelled.

IV. Status of Amendments

There have been no amendments filed subsequent to the final rejection dated November 13, 2006.

V. Summary of Claimed Subject Matter

Claim 16 is a method of operating a security system that includes generating a plurality of video signals corresponding to a respective view from a plurality of cameras. Camera views are illustrated in Figure 9 and a schematic of the system is illustrated in Figure 10. Page 7, lines 1-3 and reference numeral 10 in Figure 10 describes the security cameras. The method also includes generating a security device signal with a security device. The security device is generally illustrated as reference numeral 11 in Figure 10 and is described on page 7, lines 4-11.

Claim 16 further recites that when the security device signal is generated, automatically changing a display to a first video signal of the plurality of video signals in response to the security device signal. The display comprises a touch screen. This is illustrated as reference numeral 18 of Figure 10 and is described on page 7, lines 12-19. Claim 16 also recites the step of displaying an icon of the security device on the display corresponding to an alarm state. Displaying the icon is described on page 10, lines 1-9.

Claim 17 depends from claim 16 and recites that the icon corresponds to a security device coverage area. This is described on page 10, lines 1-9. Claim 18 further depends

from claim 16 and recites that the icon corresponds to a security device coverage volume. This is also described on page 10, lines 1-9.

Claim 19 depends from claim 16 and recites the further step of when the security device signal is generated, generating an audible alarm. This is described on page 11, lines 19-23.

Claim 21 depends from claim 16 and recites that in response to touching an icon on the touch screen, directing movement of the display. This is described on page 14, lines 11-15.

Claim 22 depends from claim 16 and recites that the display comprises a three dimensional display. This is described on page 10, line 20 and page 11, line 25.

Claim 23 depends from claim 16 and recites that the icon represents a field of view of coverage of the security device. This is described on page 11, lines 15-16.

Claim 24 depends from claim 16 and recites that the icon is translucent and is described on page 8, line 23.

Claim 25 depends from claim 16 and recites that the display comprises a two-dimensional display. This is described on page 10, lines 1-5.

Claim 26 depends from claim 16 and recites that the display comprises a three-dimensional display and a two-dimensional display. This is described on page 11, lines 15-16.

Claim 27 depends from claim 26 and recites that the icon comprises a two-dimensional icon displayed on the two-dimensional display and a three-dimensional icon displayed on the three-dimensional display. This is described on page 10, lines 4-7.

Claim 28 depends from claim 16 and recites that the display comprises a three-dimensional display and a two-dimensional display on separate screens. This is described on page 19, lines 1-17.

Claim 29 depends from claim 16 and recites that displaying an icon on the display corresponding to an alarm state comprises displaying the icon on the display corresponding to the alarm state by changing a color of the icon. This is described on page 10, lines 10-19.

Claim 30 depends from claim 16 and recites that displaying an icon on the display corresponding to an alarm state comprises displaying the icon on the display corresponding

to the alarm state by changing a material property of the icon. This is described on page 10, lines 10-19.

Claim 31 depends from claim 16 and recites that displaying an icon on the display corresponding to an alarm state comprises displaying the icon on the display corresponding to the alarm state by changing an animation of the icon. This is described on page 10, lines 10-19.

Claim 32 depends from claim 16 and recites the further step of displaying an ongoing alarm with the icon. This is described on page 10, lines 10-19.

Claim 33 depends from claim 16 and recites the further step of displaying an alarm priority with the icon. This is also described on page 10, lines 10-19.

Claim 34 depends from claim 16 and recites displaying a past alarm with the icon. This is described on page 10, lines 10-19.

Claim 35 depends from claim 16 and recites the further step of displaying a tamper status with the icon. This is also described on page 10, lines 10-19.

Claim 36 depends from claim 16 and recites the further step of displaying a disconnected state of a security device with the icon. This is described on page 10, lines 10-19.

Claim 37 depends from claim 16 and recites the further step of displaying an acknowledged state with the icon. This is described on page 10, lines 10-19.

Claim 38 depends from claim 16 and recites that, wherein automatically changing a display to a video signal corresponding to the video device comprises flying in a pre-determined manner to a pre-determined view of the security device. This is described on page 13, lines 19-24.

Claim 39 depends from claim 16 and recites the further step of generating audio queues.

Claim 40 depends from claim 39 and recites that the audio queues are unique to each security device. This is described on page 11, lines 18-19.

Claim 41 depends from claim 39 and recites that the audio queues comprise a human voice declaring a location. This is described on page 11, line 20.

Claim 42 depends from claim 16 and recites the further step of automatically sending hardware commands to other devices in response to the alarm. This is described on page 12, lines 19-21.

Claim 43 depends from claim 42 and recites that the other devices of claim 42 comprise a digital video recorder. This is described on page 12, line 25.

Claim 71 recites a method of operating a security system that includes generating a three-dimensional display of an area having a plurality of security devices. This is described on page 10, lines 10-19. The method of claim 71 also recites displaying icons of the plurality of security devices on the display. Each icon corresponds to a three-dimensional field of view of coverage of the security device. The display comprises a touch screen. Displaying icons is generally described on page 10, lines 10-19 and the touch screen is described on page 7, lines 16-19. The displays are generally illustrated in Figure 10 as reference numeral 14, video monitors. The touch screen is illustrated as reference numeral 18 of Figure 10.

VI. Grounds of Rejection to be reviewed on Appeal

The following issues are presented in this appeal:

Whether claims 16-19 and 21 are unpatentable under 35 U.S.C. §103(a) over Paff (U.S. Patent No. 6,665,004) in view of Thompson (U.S. Patent No. 5,872,594).

Whether claims 22-39 are unpatentable under 35 U.S.C. §103(a) as being unpatentable over Paff in view of Thompson and further view of Yonezawa (U.S. Patent No. 6,266,082).

Whether claims 40-42 and 71 are unpatentable over Paff in view of Thompson and further view of Katz (U.S. Patent No. 7,019,770).

Whether claim 43 is unpatentable under 35 U.S.C. §103(a) as being unpatentable over Paff in view of Thompson and further view of Hobson (U.S. Patent No. 6,317,152).

VII. Argument

The rejection of Claims 16-19 and 21 over Paff (6,665,004) in view of Thompson (5,872,594)

Claim 16

Claim 16 recites, “When the security device signal is generated, automatically changing a display to a first video signal of the plurality of video signals in response to the

security device signal, wherein the display comprises a touch screen.” Claim 16 then also recites displaying an icon of the security device on the display, which is a touch screen, corresponding to an alarm state. The Paff reference is a security system that does not include a touch screen as noted by the Examiner. Thus, the step of automatically changing a touch screen to a first video signal of the plurality of video signals in response to the security device signal.

Also, claim 16 recites displaying an icon of the security device on the display corresponding to an alarm state.

The Examiner cites the Thompson reference for teaching a touch screen. Appellants agree that a touch screen is provided in the Thompson reference. However, the touch screen is not used for automatically changing a display to a first video signal of the plurality of video signals in response to a security device signal. The touch screen as described in column 7 of the Thompson reference is used for displaying a graphical view of the floor plan and allows the operator to use the touch screen to direct cameras to view locations relative to either a graphical view of the area being surveilled, or live video, or both. What is not taught or suggested is that the touch screen automatically changes in response to a security device signal. In addition, claim 16 recites displaying an icon of the security device on the display corresponding to an alarm state. Although a touch screen is set forth in the Thompson reference, the display does not display an icon of the security device corresponding to an alarm state. Therefore, Appellants respectfully submit that even if the references are combined the recitations of claim 1 are not found therein.

Claim 17

Claim 17 stands or falls together with claim 16.

Claim 18

Claim 18 recites that the icon corresponds to a security device coverage volume. The Examiner points to Figure 5 of the Paff reference for icons. However, Figure 5 merely shows two-dimensional icons and not three-dimensional icons. Therefore, there can be no security device coverage volume as set forth in claim 18. Therefore, Appellants, respectfully request the Board to reverse the Examiner’s position with respect to claim 18.

Claim 19

Claim 19 stands or falls together with claim 16.

Claim 21

Claim 21 recites in response to touching an icon on the touch screen, directing movement of the display. As mentioned above, only the Thompson reference teaches a touch screen. However, there is no teaching in the Thompson reference for providing an icon on the touch screen. The Examiner points to column 7, lines 38-41 of the Paff reference for this teaching. However, though the teaching in the Paff reference merely describes clicking on a programmable icon and displaying it on a display unit 3. Therefore, no touching of an icon is present in either the Paff or the Thompson references. Therefore, Appellants respectfully request the Board to reverse the Examiner's position with respect to claim 21.

The rejection of Claims 22-39 over Paff (6,665,004) in view of Thompson (5,872,594) and further view of Yonezawa (6,266,082)

Claim 22

Claim 22 stands or falls together with claim 16.

Claim 23

Claim 23 stands or falls together with claim 16.

Claim 24

Claim 24 describes that the icon is translucent. The Examiner points to Official Notice for the teaching or suggestion that an icon is translucent. However, Appellants respectfully submit that there is no teaching or suggestion for a translucent icon in the Yonezawa reference. Appellants respectfully submit that the Examiner is using hindsight reconstruction to form the claims according to his beliefs and has not provided sufficient teaching that this is known. Appellants respectfully submit that claim 24 is allowable since neither reference illustrates translucent icons.

Claim 25

Claim 25 stands or falls together with claim 16.

Claim 26

Claim 26 stands or falls together with claim 16.

Claim 27

Claim 27 recites that the icon of claim 26 comprises a two-dimensional icon displayed on a two-dimensional display and a three-dimensional icon displayed on a three-dimensional display. Appellants respectfully submit that no three-dimensional icon is

displayed in either of the references. It appears that the icons are merely illustrated in two-dimensions. Thus, Appellants respectfully request the Board to reverse the Examiner's position with respect to claim 27.

Claim 28

Claim 28 recites that the display comprises a three-dimensional display and a two-dimensional display on separate screens. The Examiner points to Yonezawa Figure 8 wherein two displays are shown to be separate. However, two separate displays for three-dimensional and two-dimensional on separate screens are not shown. Therefore, Appellants respectfully request the Board to reverse the Examiner's position with respect to claim 28.

Claim 29

Claim 29 stands or falls together with claim 16.

Claim 30

Claim 30 recites that displaying the icon on the display corresponding an alarm state is performed by changing a material property icon. The Examiner merely points to Official Notice for this teaching. Although color is set forth in the Paff reference, no teaching or suggestion is provided for another material property of the icon. Therefore, claim 30 is also believed to be allowable.

Claim 31

Claim 31 recites changing the animation of the icon. There is no teaching for changing the animation of the icon in any of the references. The Examiner merely points to Official Notice for this teaching. Appellants, therefore, respectfully request the Board to reverse the Examiner's position with respect to claim 32 since there is no teaching or suggestion for this teaching.

Claim 33

Claim 33 recites displaying an alarm priority with the icon. Again, there is no teaching or suggestion for this in any of the references. Specifically there is no teaching of priority, let alone for using an icon to display priority.

Claim 34

Claim 34 recites displaying a past alarm with the icon. Again, the Examiner's refers to official notice. There is no teaching or suggestion in any of the references for this teaching.

Claim 35

Claim 35 recites further displaying a tamper status with the icon. Again, the Examiner refers to official notice for this teaching.

For claims 24, 30-35, as stated in MPEP Section 2144.03, “For further views on official notice, see *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420-421 (CCPA 1970) (“[A]ssertions of technical facts in areas of esoteric technology must always be supported by citation of some reference work” and “allegations concerning specific ‘knowledge’ of the prior art, which might be peculiar to a particular art should also be supported.” Furthermore the applicant must be given the opportunity to challenge the correctness of such assertions and allegations. “The facts so noticed serve to ‘fill the gaps’ which might exist in the evidentiary showing” and should not comprise the principle evidence upon which a rejection is based.)...If applicant does not seasonably [sic] traverse the well known statement during examination, then the object of the well known statement is taken to be admitted prior art. *In re Chevenard*, 139 F.2d 71, 60 USPQ 239 (CCPA 1943). A seasonable [sic] challenge constitutes a demand for evidence made as soon as practicable during prosecution. Thus, applicant is charged with rebutting the well known statement in the next reply after the Office action in which the well known statement was made. This is necessary because the examiner must be given the opportunity to provide evidence in the next Office action or explain why no evidence is required.” (page 2100-103, MPEP Rev. 1, Feb. 2000).

Appellants requested evidence in response to the Office Action of July 5, 2006. There is no evidence that these elements were known prior to **September 2000**. Because the Examiner has failed to cite teachings for these significant limitations in the claims, Appellants respectfully request the Board to reverse the Examiner’s position with respect to claims 30-35.

Claim 36

Claim 36 stands or falls together with claim 16.

Claim 37

Claim 37 recites displaying acknowledge date with the icon. The Examiner points to column 8, lines 24-27 for an acknowledge state. Appellants respectfully submit that displaying the icon visually changed for a camera occurrence selected is taught in the Paff reference. However, there is no teaching or suggestion for a separate acknowledged state.

Therefore, Appellants respectfully request the Board to reverse the Examiner's position with respect to claim 37.

Claim 38

Claim 38 recites automatically changing a display to a video signal corresponding to the video device comprises flying in a pre-determined manner to a pre-determined view of the security device. The Examiner cites column 8, lines 30-40 for this teaching. Also, the Examiner states, "The Examiner notes that by starting from the initial zoom setting and increasing the zoom ratio, a flying affect would be seen on the screen by the user." This is not true since zooming, panning and tilting do not change the position of the camera. In a flying state it is clear that the actual position of the camera is moved and not merely panning, tilting and moving from a fixed or static position as is set forth in column 8, lines 30-40 of the Paff reference. Again, moving around with a camera is significantly different than flying to a pre-determined view. Therefore, Appellants respectfully request the Board to reverse the Examiner's position with respect to claim 38.

Claim 39

Claim 39 stands or falls together with claim 16.

The rejection of Claims 40-41 and 71 over Paff (6,665,004) in view of Thompson (5,872,594) and further view of Katz (7,019,770)

Claim 40

Claim 40 stands or falls together with claim 39.

Claim 41

Claim 41 stands or falls together with claim 39.

Claim 42

Claim 42 recites automatically sending hardware commands to other devices in response to the alarm signal. The Examiner points to column 6, lines 13-17 of the Paff reference for this teaching. Although status information is taught in the Paff reference, there is no teaching or suggestion for providing hardware commands to other devices in response to the alarm signal. Therefore, Appellants respectfully request the Board to reverse the Examiner's position with respect to claim 42.

Claim 71

Claim 71 is an independent claim that describes generating a three-dimensional display of an area having a plurality of security devices. The Examiner merely points to the

rejection of claims 16, 22 and 23. Appellants are therefore unclear how the Katz reference fits into this rejection. The Paff reference and the Thompson reference do not teach a three-dimensional display of an area having a plurality of security devices therein. Appellants respectfully submit that the Paff reference illustrates a two-dimensional display and not having a three-dimensional display with a plurality of security devices. Likewise, the Thompson reference includes a plurality of two-dimensional locations for the cameras but does not teach a three-dimensional display having a plurality of security devices.

It should also be noted that the limitations of claim 71 are significantly different than those of claims 16, 22 and 23. Namely, claims 16 and 23 are independent claims and do not teach a combination of the two. Claim 71 teaches both a three-dimensional display having an area and that the three-dimensional display has a plurality of security devices thereon. As mentioned above, this is not taught or suggested in either of the references.

Claim 71 also recites displaying icons of the plurality of security devices on the display. Each of the icons corresponds to a three-dimensional field of view of the coverage of the security device. This security device includes a touch screen. As mentioned above, there is no teaching or suggestion for a three-dimensional field of view of the security device. Therefore, displaying icons on the plurality of security devices wherein each icon corresponds to a three-dimensional field of view as illustrated is not taught or suggested in any of the references. As mentioned above, merely a two-dimensional field of view is illustrated in the Yonezawa and the Paff references. Therefore, the Examiner has failed to set forth a *prima facie* case of obviousness for claim 71. Appellants respectfully request the Board to reverse the Examiner's position with respect to this claim.

***The rejection of Claims 43 over Paff (6,665,004) in view of Thompson (5,872,594)
and further view of Hobson (6,317,152)***

Claim 43

Claim 43 depends from claim 42 and recites that the other devices that hardware commands are sent to may comprise a digital video recorder. Although digital recording is taught in the Hobson reference, no teaching or suggestion is provided for automatically sending hardware commands to other devices in response to an alarm signal, wherein the other devices include a digital video recorder. Therefore, Appellants respectfully request the Board to reverse the Examiner's position with respect to claim 43.

VIII. Claims Appendix

A copy of each of the claims involved in this appeal, namely claims 16-19, 21-43 and 71 are the claims that stand rejected unless they are attached hereto as a Claims Appendix.

IX. Evidence Appendix

None.

X. Related Proceedings Appendix

None.

XI. Conclusion

For the foregoing reasons, Appellants respectfully request that the Board direct the Examiner in charge of this examination to withdraw the rejections.

Please charge any fees required in the filing of this appeal to Deposit Account 08-0750.

Respectfully submitted,

Dated: 10/31/07

By:


Mark D. Elchuck, Reg. No. 33,686
Kevin G. Mierzwa, Reg. No. 38,049

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

CLAIMS APPENDIX

16. A method of operating a security system comprising:
generating a plurality of video signals corresponding to a respective view from a plurality of cameras;
generating a security device signal with a security device;
when the security device signal is generated, automatically changing a display to a first video signal of the plurality of video signals in response to the security device signal, wherein the display comprises a touch screen; and
displaying an icon of the security device on the display corresponding to an alarm state.
17. A method as recited in claim 16 wherein the icon corresponds to a security device coverage area.
18. A method as recited in claim 16 wherein the icon corresponds to a security device coverage volume.
19. A method as recited in claim 16 further comprising when the security device signal is generated, generating an audible alarm.
21. A method as recited in claim 16 wherein in response to touching an icon on the touch screen, directing movement of the display.
22. A method as recited in claim 16 wherein the display comprises a three-dimensional display.
23. A method as recited in claim 16 wherein the icon represents a field of view of coverage of the security device.
24. A method as recited in claim 16 wherein the icon is translucent.
25. A method as recited in claim 16 wherein the display comprises a two-dimensional display.
26. A method as recited in claim 16 wherein the display comprises a three-dimensional display and a two-dimensional display.
27. A method as recited in claim 26 wherein the icon comprises a two-dimensional icon displayed on the two-dimensional display and a three-dimensional icon displayed on the three-dimensional display.

28. A method as recited in claim 16 wherein the display comprises a three-dimensional display and a two-dimensional display on separate screens.

29. A method as recited in claim 16 wherein displaying an icon on the display corresponding to an alarm state comprises displaying the icon on the display corresponding to the alarm state by changing a color of the icon.

30. A method as recited in claim 16 wherein displaying an icon on the display corresponding to an alarm state comprises displaying the icon on the display corresponding to the alarm state by changing a material property of the icon.

31. A method as recited in claim 16 wherein displaying an icon on the display corresponding to an alarm state comprises displaying the icon on the display corresponding to the alarm state by changing an animation of the icon.

32. A method as recited in claim 16 further comprising displaying an ongoing alarm with the icon.

33. A method as recited in claim 16 further comprising displaying an alarm priority with the icon.

34. A method as recited in claim 16 further comprising displaying a past alarm with the icon.

35. A method as recited in claim 16 further comprising displaying a tamper status with the icon.

36. A method as recited in claim 16 further comprising displaying a disconnected state of a security device with the icon.

37. A method as recited in claim 16 further comprising displaying an acknowledged state with the icon.

38. A method as recited in claim 16 wherein automatically changing a display to a video signal corresponding to the video device comprises flying in a predetermined manner to a predetermined view of the security device.

39. A method as recited in claim 16 further comprises generating audio cues.

40. A method as recited in claim 39 wherein the audio cues are unique to each security device.

41. A method as recited in claim 39 wherein the audio cues comprise a human voice declaring a location.

42. A method as recited in claim 16 further comprising automatically sending hardware commands to other devices in response to the alarm signal.

43. A method as recited in claim 42 wherein the other devices may comprise a digital video recorder.

71. A method of operating a security system comprising:
generating a three-dimensional display of an area having a plurality of security devices;

displaying icons of the plurality of security devices on the display, wherein each icon corresponds to a three-dimensional field of view of coverage of the security device wherein said display comprises a touch screen.

IX. Evidence Appendix

None.

X. Related Proceedings Appendix

None.